

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PRISCILLA DOSS, et al.,

Plaintiffs,

v.

FRANCISCAN HEALTH SYSTEM d/b/a  
ST. JOSEPH MEDICAL CENTER,

Defendant.

CASE NO. C11-5163 BHS

ORDER DENYING  
DEFENDANT'S MOTION  
FOR ATTORNEY'S FEES  
AND COSTS

This matter comes before the Court on Defendant Franciscan Health System d/b/a St. Joseph Medical Center's ("SJMC") motion for attorney's fees and costs (Dkt. 104). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

**I. PROCEDURAL HISTORY**

On January 24, 2011, Plaintiff Patricia Norris ("Norris") and other plaintiffs filed a complaint against SJMC alleging various employment discrimination practices. Dkt. 2,

1 Declaration of Elena C. Burt, Exh. B. Norris's claims were the only claims that  
2 proceeded to summary judgment, and, on October 18, 2012, the Court granted summary  
3 judgment in favor of SJMC. Dkt. 102.

4 On November 1, 2012, SJMC filed the instant motion for an award of "its  
5 attorney's fees and costs associated with the unreasonable and unnecessary pursuit of  
6 groundless claims by [Norris] and her counsel." Dkt. 104 at 1. On November 5, 2012,  
7 Norris responded. Dkt. 106. On November 16, 2012, SJMC replied. Dkt. 107.

## 8 II. DISCUSSION

9 "A district court may in its discretion award attorney's fees to a prevailing  
10 defendant in a Title VII case upon a finding that the plaintiff's action was frivolous,  
11 unreasonable, or without foundation, even though not brought in subjective bad faith."  
12 *EEOC v. Bruno's Restaurant*, 13 F.3d 285, 287 (9th Cir. 1992) (quoting *Christiansburg*  
13 *Garment Co. v. EEOC*, 434 U.S. 412, 421–22 (1978)). The Court may also require an  
14 attorney to satisfy the opposing party's costs if the attorney "so multiplies the  
15 proceedings . . . unreasonably and vexatiously . . . ." 28 U.S.C. § 1927.

16 In this case, SJMC contends that the Court should grant an award of fees and costs  
17 under both or either of these doctrines. Norris counters that the Court "hastily" granted  
18 summary judgment and questions the correctness of that decision. Dkt. 106 at 1–2.  
19 Regardless of this position, SJMC has failed to show that Norris's claims were frivolous  
20 or the costs of litigation were unreasonably multiplied. The Court granted summary  
21 judgment on the basis that SJMC conducted a prompt and reasonable investigation into  
22 Norris's claims of discrimination (Dkt. 102 at 9) and that, even though offensive

1 utterances were present in the workplace, the conduct was not sufficiently severe or  
2 pervasive to raise a question of fact for trial (*id.* at 10). Therefore, the Court denies  
3 SJMC's motion because the Court is unable to find that Norris's claims were frivolous or  
4 unreasonable.

5 **III. ORDER**

6 Therefore, it is hereby **ORDERED** that SJMC's motion for attorney's fees and  
7 costs (Dkt. 104) is **DENIED**.

8 Dated this 11th day of December, 2012.

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11 **BENJAMIN H. SETTLE**  
12 United States District Judge  
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